

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

May 9, 2025

No. 24-60115

Lyle W. Cayce  
Clerk

VELMA SMITH, *individually and on behalf of all others similarly situated*,

*Plaintiff—Appellant,*

*versus*

AEGON USA, L.L.C., *doing business as* TRANSAMERICA;  
TRANSAMERICA LIFE INSURANCE COMPANY; AEGON DIRECT  
MARKETING SERVICES, INCORPORATED, *formerly known as* AEGON  
SPECIAL MARKETING SERVICES, INCORPORATED; PENNEY  
OpCo, L.L.C., *doing business as* JCPENNEY, *formerly known as* JC  
PENNEY, INCORPORATED; TCS e-SERVE INTERNATIONAL  
LIMITED; TATA CONSULTANCY SERVICES LIMITED; TATA  
AMERICAN INTERNATIONAL CORPORATION,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:23-CV-357

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Before DENNIS, HAYNES, and RAMIREZ, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and was argued by  
counsel.

No. 24-60115

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that appellant pay to appellees the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.



Certified as a true copy and issued  
as the mandate on Jun 02, 2025

Attest:

*Tyler W. Cawley*  
Clerk, U.S. Court of Appeals, Fifth Circuit